

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
v.) Criminal No: 10CR10275DPW
)
JOSE LUIS BAEZ)
)

ASSENTED TO MOTION
FOR RULE 11(a)(2) HEARING

Now comes the Defendant, Jose Baez, and respectfully requests that this Honorable Court take this matter off the list for trial on September 4, 2012, and schedule this matter for a Rule 11 hearing.

The Defendant respectfully requests permission to plead guilty pursuant to F.R.Cr.P. Rule 11(a)(2) conditioned on his right to pursue appellate review of this Honorable Court's ruling on the Defendant's motion to suppress, which was docketed on July 16, 2012.

The United States Attorney's Office assents to the instant request.

In further support of this request, the Defendant states that a conditional guilty plea will be in the interests of judicial economy. The parties had estimated that a trial of this matter would take approximately two weeks due to the complexity of the case.

The facts contained in the Government's indictment are not in substantial dispute. The only purpose of going to trial in this matter would be to preserve the Defendant's right to appeal his pretrial motion to suppress.

Such trials result "in a waste of prosecutorial and judicial resources, and cause delay in the trial of other cases, contrary to the objectives underlying the Speedy Trial Act of 1974." 1983 Advisory Committee Notes to Rule 11, Volume 3C, App. C.

The Supreme Court has spoken of "the completely unnecessary waste of time and energy consumed by such trials." Lefkowitz v. Newsome, 420 U.S. 283, 292 (1975)

As a result, Rule 11(a)(2) was adopted in 1983 to allow the government, the courts, and the defendant to avoid go[ing] through an entire trial simply to preserve the pretrial issues for later appellate review." U.S. v. Limley, 510 F.3d 825, 827 (8th Cir. 2007) (internal quotation marks and citations omitted).

Wherefore, the Defendant respectfully requests that this Motion be allowed.

Respectfully Submitted,

/s/ Murat Erkan
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Date: August 17, 2012

CERTIFICATE OF SERVICE

I, Attorney Murat Erkan, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 17, 2012.

/s/ Murat Erkan
Murat Erkan, Esquire

Date: August 17, 2012